

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,
Plaintiff,
v.
LATONIA SMITH,
Defendant.

Case No. 2:19-cr-00304-RFB-VCF
MINUTES OF THE COURT
DATED: April 23, 2021

THE HONORABLE RICHARD F. BOULWARE, II, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK BLANCA LENZI COURT REPORTER PATTY GANCI

COUNSEL FOR GOVERNMENT STEVEN MYHRE, DANIEL CLARKSON

COUNSEL FOR DEFENDANT TELIA WILLIAMS, GWYNNE DUMBRIQUE

MINUTES OF PROCEEDINGS: **JURY TRIAL – DAY 2**

The Court convened at 9:13 AM. Defendant is present in custody with defense counsel. Government Counsel and USPIS Special Agent Justin Steele are present at Government counsel table.

Outside the presence of the Jury: The Court addressed the parties and heard objections regarding the Pre-Opening Jury Instruction. The Court ruled to exclude the assault incident as Beavers as identified.

The Court granted the Government's request and exclusionary rule is invoked.

The Court heard argument regarding defendant's demonstrative exhibits; Defense counsel shall be allowed to use the demonstrative exhibits identified. The Court rules to allow defense counsel to summarize the defendant's letter.

Court convened at 9:57 AM in the presence of the jury.

The Court addressed the jury and gave preliminary limiting instruction regarding evidence and witness testimony.

Opening statements are made by Mr. Clarkson on behalf of the Government.

Opening statements are made by Ms. Williams on behalf of Defendant Smith.

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SAMANTHA RADAK, Assistant Direct of Housekeeping for Planet Hollywood, is called, sworn, and testified on direct examination by Mr. Clarkson.

Government's exhibits 25, 27, 28 26, 29, 31, 32, 1, 2 are offered, marked, and admitted into evidence.

Court is recessed at 11:23 AM. The jury is admonished and excused.
Court reconvened at 11:37 AM,

Outside the presence of the jury: The Court confirms the order of the witnesses.

Court reconvened at 11:43 AM, in the presence of the jury.

SAMANTHA RADAK, Assistant Direct of Housekeeping for Planet Hollywood, resumed testimony on cross examination by Mr. Drumbrique. Recross examination by Mr. Clarkson. Recross examination by Mr. Dumbrique. Ms. Radak is then excused.

Court recessed at 12:06 PM.
Court reconvened at 1:13 PM.

Outside the presence of the jury: The Court heard representations of Government regarding the assault.

Court reconvened at 1:24 PM, in the presence of the jury.

WADE BEAVERS, Attorney of Fennemore Craig, is called, sworn, and testified on direct examination by Mr. Myrhe. The record reflects that Mr. Beavers has identified Ms. Smith. Cross examination by Ms. Williams.

Government's exhibit 37, 38, 4, 5, 40 are offered, marked, and admitted into evidence.
Government's exhibit 39 is marked.

Court is recessed at 2:29 PM. The jury is admonished and excused.

Outside the presence of the jury: The Court heard argument regarding the testimony and will allow the admission of tpo exhibit with an instruction to the jurors.

Court recessed at 2:38 PM
Court reconvened at 2:54 PM.

Outside the presence of the jury: The Court heard representation of counsel regarding exhibits.

Court reconvened at 2:57 PM, in the presence of the jury.

WADE BEAVERS, Attorney of Fennemore Craig, resumed testimony on cross examination by Ms. Williams. Mr. Beavers is then excused.

Defendant's exhibit 521 is offered, marked, and admitted into evidence.

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JEAN WIRTHLIN, wife of Attorney Brenoch Wirthlin, is called, sworn, and testified on direct examination by Mr. Clarkson. Cross examination by Mr. Dumbrique. Ms. Wirthlin is then excused. **Government's exhibit 15** is offered, marked, and admitted into evidence.

The Court heard representations from the government regarding the order of the next days' testimony.

The Court directs the jurors to return by 8:50 AM on Monday, April 26, 2021.

Court recessed at 3:39 PM.

Outside the presence of the jury: The Court held a colloquy with juror no. 13 as to her potential connection or affiliation with witness Wirthlin. With no objection of the parties, the Court ruled that there is nothing about the potential connection that would impact juror no. 13 sitting as a juror.

The Court confirmed the order of testimony for Monday, April 26, 2021.

Jury trial in this matter is continued to Monday, April 26, 2021 at 9:00 AM. Counsel is directed to be in the courtroom by 8:30 AM.

The Court adjourned at 3:51 PM.

**DEBRA K. KEMPI, CLERK
U.S. DISTRICT COURT**

/s/
BY: _____
Blanca Lenzi, Deputy Clerk